

DACA

PTO/SB/61 (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

NPT001US

First Named Inventor: Paul Lapstun

Art Unit: 2876

Application Number: 09/575,154

Examiner: Daniel St Cyr

Filed: May 23, 2000

Title: Identity-Coded Surface with Reference Points

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

- ☐ Small entity – fee \$ _____ (37 CFR 1.17(i)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Other than small entity – fee \$ 2,310.00 (37 CFR 1.17(i)).

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of
Petition, RCE and Extension of Time (identify the type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

03/14/2005 HDEMESS1 00000050 09575154

- B. The issue fee of \$ _____

02 FC:1452

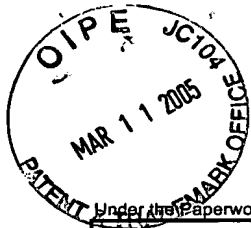
500.00 0P

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

- 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

March 9, 2005

Date

Paul Lapstun *Simon Robert Walmsley*

Signature

+61-2-9818-6633

Telephone Number

Paul Lapstun, Kia Silverbrook and Simon Robert Walmsley

Typed or printed name

Registration Number, if applicable

393 Darling Street, Balmmain, NSW, 2041, Australia

Address

Address

- Enclosure ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☒ RCE

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Date

Signature

Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

March 9, 2005

Date


SignaturePaul Lapstun, Kia Silverbrook and Simon Robert Walmsley

Typed or printed name

Registration Number, if applicable(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

PLEASE SEE ATTACHED SHEETS

(Please attach additional sheets if additional space is needed.)



In the United States Patent and Trademark Office

Serial Number: 09/575,154
Application. Filed: May 23, 2000
Applicant: Paul Lapstun, Kia Silverbrook and Simon Robert Walmsley
Application. Title: IDENTITY-CODED SURFACE WITH REFERENCE POINTS
Examiner/GAU: St Cyr, Daniel/GAU2876

Dated March 9, 2005
At: Balmain NSW Australia
Docket No. NPT001US

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Assistant Commissioner for Patents
Washington, District of Columbia 20231

Dear Sir,

In response to the Director's Decision mailed on February 3, 2005 and the Examiner's Advisory Action mailed on February 3, 2005, the Applicant hereby petitions for revival of this patent application, pursuant to 37 CFR 1.137(a).

It is submitted that the Applicant's delay in replying to the Advisory Action before the deadline set forth in that Advisory Action was unavoidable.

This petition is accompanied by the following:

- (1) A Request for Continued Examination of the currently pending claims, in accordance with 37 CFR 1.114.
- (2) Fees:
 - (i) The petition fee, as set forth in 37 CFR 1.17(l).
 - (ii) Extension fees for the maximum statutory period of 6 months, as set forth in 37 CFR 1.136(a)
- (3) A summary of the facts of this case showing that the entire delay was unavoidable.

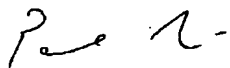
This summary is provided as follows:

- (i) The Applicant received a Final Office Action, which was mailed on July 3, 2003.
- (ii) The Applicant filed a timely reply to the Office Action on September 3, 2003.
- (iii) The USPTO has accepted that a reply to the Office Action of July 3, 2003 was timely mailed but lost after being deposited with the USPS (see Decision on Petition mailed on February 3, 2005).
- (iv) An Advisory Action was mailed to the Applicant on February 3, 2005 in response to the Applicant's reply to the Office Action of July 3, 2003.
- (v) The Advisory Action sets a period for reply expiring 3 months from the mailing date of the final rejection. The maximum statutory period for reply expires 6 months from the mailing date of the final rejection.
- (vi) The reason that the Applicant is delayed in replying to the Advisory Action is due to the initial reply to the Final Office Action being lost with the USPS. As a consequence, the Advisory Action was delayed in being mailed to the Applicant.
- (vii) It is submitted that, in the circumstances, the Applicant's entire delay in filing the required reply to the Advisory Action by the deadline set forth in the Advisory Action was *unavoidable*.

It is requested that this application be revived under the provisions of 37 CFR 1.137(a).

Very respectfully,

Applicants:



PAUL LAPSTUN



KIA SILVERBROOK



SIMON ROBERT WALMSLEY

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: kia.Silverbrook@silverbrookresearch.com

Telephone: +612 9818 6633

Facsimile: +61 2 9818 6711